

Remarks/Arguments

Reconsideration of the above-identified application in view of the present amendment is respectfully requested.

Claims 1, 3, 5, 7, 9 and 10 are pending in the application. Claims 5, 7, and 10 are allowed. Claims 1, 3 and 9 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2 and 3 of U.S. Patent No. 6,386,583 (Erike '583) in view of Japanese Patent 410140283 (JP '283) alone or in view of the ASM Handbook.

Applicant notes that claims 1 and 3 had previously been rejected, in an Office Action mailed April 27, 2006, on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2 and 3 of Erike '583 in view of JP '283 alone or in view of the ASM Handbook. In response to this previous rejection, Terminal Disclaimers were filed on October 26, 2006 and January 22, 2007 on behalf of the assignees of the present application and Erike '583, which are commonly owned. The double patenting rejection was not repeated in the subsequent Office Action and, therefore, appeared to have been withdrawn.

The Office Action mailed September 29, 2008 now repeats this double-patenting rejection and states that the Terminal Disclaimers filed 10/26/06 and 1/22/07 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Erike '583 have been reviewed and are not accepted. According to the Office Action, the assignee has not established its ownership interest in the patent, in order to support the terminal disclaimer. The Office Action states that there is no submission in the record

establishing the ownership interest by either (a) providing documentary evidence of a chain of title from the original inventor to the assignee and a statement affirming that the documentary evidence was or is currently being submitted for recordation pursuant to 37 CFR 3.11, or (b) specifying (by reel and frame number) where such documentary evidence is recorded in the U.S. Patent and Trademark Office ("USPTO").

Applicant respectfully requests the rejection of claims 1, 3 and 9 be withdrawn because Applicant has recorded documentary evidence of a chain of title from the original inventor to the assignees. Attached is a print-out of the USPTO Patent Assignment Abstract of Title for the present application showing the documents recorded in the USPTO that establish the chain of title for the present application. These documents include: (a) an assignment from the inventor to TRW Inc. recorded at reel 023690, beginning at frame 0040; (b) a certificate from the Ohio Secretary of State establishing a change of name of the original assignee from TRW Inc. to Northrop Grumman Space & Mission Systems Corp. recorded at reel 023690, beginning at frame 0529; (c) an assignment from Northrop Grumman Space & Mission Systems Corp. to TRW Automotive U.S. LLC recorded in two parts, the first at reel 023727, beginning at frame 0334, and the second at reel 023728, beginning at frame 0894; and (d) an assignment of a joint ownership interest in the present application from TRW Automotive U.S. LLC to Sumitomo Metal Industries Ltd. recorded at reel 018279, beginning at frame 0296. The assignment from TRW Automotive U.S. LLC to Sumitomo Metal Industries Ltd. establishes joint ownership of this application (among others). Thus, the two current assignees of the entire

right, title and interest in and to the present application are: TRW Automotive U.S. LLC and Sumitomo Metal Industries Ltd.

Also attached is a print-out of the USPTO Patent Assignment Abstract of Title for Erike '583 showing the documents recorded in the USPTO that establish the chain of title for Erike '583. These documents include: (a) an assignment from the inventor to TRW Inc. recorded at reel 011316, beginning at frame 0401; (b) a certificate from the Ohio Secretary of State establishing a change of name of the original assignee from TRW Inc. to Northrop Grumman Space & Mission Systems Corp. recorded at reel 023760, beginning at frame 0027; (c) an assignment from Northrop Grumman Space & Mission Systems Corp. to TRW Automotive U.S. LLC recorded at reel 017145, beginning at frame 0880; and (d) an assignment of a joint ownership interest in Erike '583 from TRW Automotive U.S. LLC to Sumitomo Metal Industries Ltd. recorded at reel 018279, beginning at frame 0296. The assignment from TRW Automotive U.S. LLC to Sumitomo Metal Industries Ltd. establishes joint ownership of Erike '583 (among others). Thus, the two current assignees of the entire right, title and interest in and to Erike '583 are TRW Automotive U.S. LLC and Sumitomo Metal Industries Ltd.

As set out above, Applicant has established that TRW Automotive U.S. LLC and Sumitomo Metal Industries Ltd. have joint ownership interests in both the present application and Erike '583. In view of this common joint ownership of the present application and Erike '583, terminal disclaimers disclaiming the terminal portion of any patent granted on the present application which would extend beyond the expiration date of Erike '583 should be accepted. Although such terminal

disclaimers were filed on behalf of each of the two current assignees on October 26, 2006 and, as to one assignee, again on January 22, 2007, Applicant notes that the Terminal Disclaimer Approval Form filed on September 21, 2009 in the USPTO electronic file wrapper for the present application (but not provided to Applicant) indicates that the terminal disclaimers dated 10/26/06 and 1/22/07 were disapproved because they did not state the exact interest of the disclaimant. Accordingly, new terminal disclaimers disclaiming the terminal portion of any patent granted on the present application which would extend beyond the expiration date of Erike '583 are filed on behalf of both assignees concurrently with this Amendment. Each of the new terminal disclaimers expressly states, on page 2, that the sectional ownership interest of the assignee is a joint ownership interest.

As Applicant has (a) established through recorded documentary evidence that both the present application and Erike '583 are commonly and jointly owned by TRW Automotive U.S. LLC and Sumitomo Metal Industries Ltd. and (b) submitted new terminal disclaimers disclaiming the terminal portion of any patent granted on the present application which would extend beyond the expiration date of Erike '583, Applicant respectfully requests that the rejection of claims 1, 3 and 9 be withdrawn.

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and allowance of the present application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this matter to our Deposit Account No. 20-0090.

Respectfully submitted,

/Richard A. Sutkus/
Richard A. Sutkus
Reg. No. 43,941

TAROLLI, SUNDHEIM, COVELL,
& TUMMINO L.L.P.
1300 East Ninth Street, Suite 1700
Cleveland, Ohio 44114
Phone: (216) 621-2234
Fax: (216) 621-4072
Customer No.: 26,294